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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,932	10/25/2001	Brook P. Adolfson	17456.8.2	1408

22859 7590 04/20/2004

INTELLECTUAL PROPERTY GROUP  
FREDRIKSON & BYRON, P.A.  
4000 PILLSBURY CENTER  
200 SOUTH SIXTH STREET  
MINNEAPOLIS, MN 55402

EXAMINER

MCDERMOTT, KEVIN

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/034,932

Applicant(s)

ADOLFSON ET AL.

Examiner

Kevin McDermott

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8-13, 17-19, 22-25, 35 and 37-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 8-13, 17, 18, 35, 37, 38, 40-53 and 63 is/are allowed.
- 6) ☒ Claim(s) 19, 22-26, 29-32, 39 and 54-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claim 59 is objected to because of the following informalities:

Regarding claim 59, lines 6-7 recite "the first body an adjacent side". It appears that "and" should be inserted between "body" and "an".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19, 22-25, 39, 26, 29-32, 54-58, and 59-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Boord.

Boord discloses in figures 1-3 and in column 1, line 65 to column 2, line 16, a flashlight support 14 comprised of a horizontally disposed plate 19 having an inverted semicircular hood 20 projecting transversely from one end of the plate 19 and another hood 21 of similar shape projects from the other end of the plate 19. Another horizontally disposed plate 23 is positioned below and in parallel relation with respect to the plate 19 and has an upstanding semicircular saddle 24 projecting transversely from one end and another upstanding semicircular saddle 25 projecting transversely from the other end. The hood 20 is in registry with the saddle 24 and the hood 21 is in registry with the saddle 25 forming with the respective saddles a pair of clamps.

Plates 23 and 19 are fastened to the flanges 17, 18 using a pair of bolts 27 and 28.

Regarding claims 19, 26, 54, and 59, the support 14 is the claimed frame member. The plates 19 and 23 are the claimed first and second elongated bodies, respectively. Applicant has used the phrase "adapted to" several times in claims 19 and 26, so much in fact that with the exception of the first 1-1/2 lines, the claim is simply a recitation of intended use. The channels, slots, side regions, adjustability, and side edge configuration are not positively claimed. These features are positively claimed in claim 59 and are rejected as explained below. The other claims are similarly rejected as detailed below. Regarding claim 54, the side edges of the plates 19, 23 diverge at the interface with the hoods 20, 21 and the saddles 24, 25.

The hoods 20, 21 together with saddles 24, 25, respectively, define first and second parallel channels and the gap on the outside is a slot. The channels extend along first and second regions of the support 14. The spacing between the plates 19, 23, and consequently the channel width, can be adjusted using the bolts 27, 28.

Regarding claims 22, 29, 55, and 60, each of the plates 19, 23 are rigid.

Regarding claims 23, 30, 56, and 61, hoods 20, 21 and the saddles 24, 25 are bent areas of the supports.

Regarding claims 24 and 31, the slots are defined between a first side edge of the first body 19 and an adjacent side edge of the second body 23.

Regarding claims 25, 57, 58, and 62, the spacing distance between the plates 19, 23 is adjustable using the bolts 27, 28.

Regarding claims 3, 39, and 54, the side edges of the plates 19, 23 diverge at the interface with the hoods 20, 21 and the saddles 24, 25.

Because Boord discloses all the claimed structural limitations, it is inherently capable of being used in the same way or for the same purpose.

***Response to Arguments***

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

Claims 1-4, 8, 9, 37, 10-13, 17, 18, 38, 35, 40-46, 47-53, and 63 are allowed.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.

KM

KM 4/12/04



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600